

WA 2917
3.1.90



MAR 01 1990

Reply To The
Attn Of: HW-112

5f
RECEIVED

MAR 06 '90

EPA-WOO

FILE
COPY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Dennis F. Stefani
Chemical Processors, Inc.
2203 Airport Way South, Suite 400
Seattle, Washington 98134

Re: Off-Site Response Policy Notice

Dear Mr. Stefani:

The requirements of the Environmental Protection Agency (EPA) for commercial facilities accepting waste shipments from Superfund cleanup sites are set forth in a November 13, 1987, policy document (copy enclosed) entitled "Revised Procedures for Implementing Off-Sites Response Actions" (Off-Site Policy). The Off-Site Policy is a modification of an earlier version which was published in the Federal Register on November 5, 1985.

The purpose of the "Off-Site Policy" is to set criteria for the selection of off-site commercial waste treatment, storage, and disposal facilities used for response actions taken under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, or Section 7003 of the Resource Conservation and Recovery Act (RCRA), as amended. Key elements of the Policy require that (1) there be no relevant violations at, or affecting, the receiving unit; and (2) there be no releases of hazardous wastes, hazardous constituents, or hazardous substances from the receiving unit, and releases from other units must be evaluated for environmental significance and their effect on the satisfactory operation of the facility.

In June 1988 EPA issued an order under the authority of Section 3013 of RCRA to Chemical Processors, Inc. requiring investigation of potential releases at your Pier 91 facility. As a result of this investigation EPA received analytical data pertaining to groundwater and soil samples recently collected at the facility. Following review and analysis of this information it has been determined that conditions exist which render your facility unacceptable for receipt of CERCLA off-site waste. Information obtained indicate that environmentally significant releases have occurred from units at the facility. Specifically, groundwater and soil sampling data from the facility indicate that several hazardous constituents listed in Appendix VIII to 40 CFR Part 261 are present in soils and downgradient wells at levels exceeding background concentrations.

USEPA RCRA



3012617

You may request an informal conference with Region 10 staff and counsel to discuss the basis for your facility's unacceptability determination, provided that such a request is made within 10 calendar days from the date of this letter. In lieu of holding such a conference, you may submit written comments to me within 30 calendar days from the date on this letter. If the determination of unacceptability under the Off-Site Policy is confirmed after the informal conference or the submittal of written comments, this determination will become effective 60 calendar days after the date on this letter or on such later date as specified in a confirmation letter.

If you fail to request an informal conference or to submit written comments specifically addressing this unacceptability determination, the determination will become effective 60 calendar days after the date on this letter. In any event, on the date that this determination becomes effective, EPA shall cease the transport of CERCLA waste to your facility in accordance with the Off-Site Policy.

Alternatively, if in an informal conference the determination of unacceptability is confirmed, you may request review by the Regional Administrator. Such a request must be made within 10 calendar days after the date of confirmation of unacceptability. The Regional Administrator, at his discretion, may agree to review the determination. Such a review by the Regional Administrator, if agreed to, will be conducted within 60 days of this letter, if possible, but the review will not stay the effective date of this determination.

This letter is being sent by both certified mail and first class mail to ensure that you receive it. If you wish to request an informal conference or to submit written comments, or if you have any questions regarding this letter, please contact John Hamill, Office of Regional Counsel, telephone number (206) 442-1475.

Sincerely,

Randall F. Smith

For Charles E. Findley, Director
Hazardous Waste Division

Enclosure

cc: Tom Eaton, Washington Department of Ecology, w/o enclosure
Jack Boller, WOO, w/o enclosure